REMARKS

1. Minor changes have been made in the specification to correct informalities noted by applicants' attorney in the specification upon a further study of the application by applicants' attorney. These changes are supported by the application as originally filed.

2. A letter has been sent to the Chief Draftsman to correct informalities noted by applicants' attorney in the drawings upon a further study of the specification. These change are indicated in red. These changes in the drawings are supported by the application as originally filed. These changes include an indication of the actuator 34 in accordance with the suggestion of the Examiner. Upon an acceptance of these changes by the Chief Draftsman, the changes will be incorporated in the formal drawings which applicants will be filing after the application has been allowed.

3. Claim 1 has been amended to overcome the objection of the Examiner. Changes have also been made in other claims to correct informalities noted by applicants' attorney upon a further study of the claims. As now written, the claims are believed to be definite.

4. Claims 1-31 have been retained in the application, all of them in at least somewhat amended form. Claims 32-44 have been added by this amendment. All of the claims are believed to be definite and to be supported by the application as originally filed and to be allowable over the cited references whether the references are used individually or in combination.

5. Certain features of applicants' pogo stick cause applicants' claims to be allowable over White patent Des. 316,280, Wirges patent 4,632,371 and Dimitriadis patent 3,328,028 whether these references are used individually or in combination. These features include the following:

a. Applicants provide a pogo stick which includes training members to preserve the safety of the user while the user is learning how to operate the

pogo stick. When the user has mastered the operation of the pogo stick, the training members are removed and the pogo stick can be used in its ordinary and normal form. This is not true of any of the references including Dimitriadis. When the training members are removed in Dimitriadis, the apparatus is inoperative.

b. Applicants dispose the platform on the pogo stick in a lateral direction. Applicants attach the training members to the opposite lateral ends of the platform. This is not disclosed in any of the prior art references including Dimitriadis. Furthermore, when the user is standing on the platform the training members extend in the same direction as the direction in which the user is facing. This is also not disclosed in Dimitriadis or any of the other references.

c. Applicants provide a bellows, a spring and an actuator. The actuator extends through the bellows and the spring. The bellows and the spring extend from the platform. The bellows is coupled to the actuator at progressive positions along the actuator. This relationship is not disclosed in any of the references.

6. Claims 1 and 6-8 have been rejected under 35 USC 103(a) as being unpatentable over White Des. patent 316,280 in view of Wirges patent 4,632,371. As now written, these claims are allowable over the combination of White and Wirges for certain important reasons including the following:

Claim 1

Neither White nor Wirges discloses a collapsable bellows and a spring disposed in the bellows and coupled to the bellows for constraint in accordance with the constraint in the bellows.

Claim 6

A bellows extends from an intermediate position of the actuator to the top of the actuator and moveable by the user into a constrained relationship. A spring is enclosed within the bellows and is operatively coupled to the bellows at a position above the platform to become constrained in accordance with the constraint of the bellows.

Claim 7

Dependent from allowable claim 6.

Claim 8

Dependent from allowable claim 6. In addition, the bellows is formed from a plurality of scalloped portions each displaced in a vertical direction from the other scalloped portions. The scalloped portions of the bellows and the spring are coaxial and the scalloped portions of the bellows are attached to the actuator.

7. Claims 2-5 and 9-10 have been rejected under 35 USC 103(a) as being unpatentable over White and Wirges as applied to claim 1 and further in view of Dimitriadis patent 2,992,009. Claims 2-5 are dependent from claim 1 and claims 9-10 are dependent from claim 6. Claims 2-5 and 9-10 are accordingly allowable over White and Wirges for the same reasons as discussed above with respect to claims 1 and 6. Claims 2-5 and 9-10 are allowable over Dimitriadis for the same reasons. This prevents White, Wirges and Dimitriadis from being combined to reject claims 2-5 and 9-10.

Claims 2-5 and 9-10 are also allowable over the combination of White, Wirges and Dimitriadis for the following additional reasons:

Claim 2

Training members are attached to the platform and extending from the platform to the support surface to provide stability to the pogo stick on the support surface when the user operates the pogo stick. The spring is disposed within the bellows and is coupled to the bellows for constraint in accordance with the constraint of the bellows.

Claim 3

The platform is disposed in a lateral direction. The training members constitute a pair, each of the training members being attached to the platform on an opposite lateral end from the attachment of the other of the training members to the platform.

Claim 4

Dependent from allowable claim 3.

Claim 10

The bellows is formed from a plurality of scalloped portions each displaced in a vertical direction from the other scalloped portions. The scalloped portions and the spring are coaxial. The bellows and the spring are coupled to each other to provide a constraint of the spring when the bellows is constrained.

8. Claims 11-15 and 21-26 have been rejected under 35 USC 103(a) as being unpatentable over White in view of Wirges and further in view of Dimitriadis. Claims 11-15 and 21-26 are allowable over the combination of White, Wirges and Dimitriadis for a number of reasons including the following:

Claim 11

A platform extends in a lateral direction for supporting the feet of a user with the user in a standing position on the platform. Training members extend from the opposite lateral ends of the platform for enhancing the stability of the pogo stick on the support surface when the pogo stick is actuated.

Claim 12

Dependent from allowable claim 11. In addition, the training members are removable from the platform when the user has become skilled in operating the pogo stick. The platform, the actuator, the constrainable means and the handle bar operate as the pogo stick when the training members are removed from the platform. In Dimitriadis, the apparatus does not operate as a riding toy when the spring members 52 are removed.

Claim 13

Dependent from allowable claim 11.

Claim 14

Dependent from allowable claim 11. The training members constitute a pair separated from each other in a direction corresponding to the distance between the feet of the user on the platform.

Claim 15

Dependent from allowable claim 11.

Claim 21

The pogo stick includes a constrainable bellows and a constrainable spring coupled to the bellows to become constrained in accordance with the constraint of the bellows. The pogo stick also includes a platform having a lateral disposition for supporting the feet of a user. Training members attached to the platform at the opposite lateral ends of the platform to provide stability to the pogo stick when, upon actuating the pogo stick from the support surface, the pogo stick returns to the support surface.

Claim 22

Dependent from allowable claim 21.

In addition, the training members constitute a pair, both extending in the direction in which the user is facing with the user's feet on the platform and one disposed at one lateral end of the platform and the other disposed at the other lateral end of the platform.

Claim 23

Dependent from allowable claim 1.

Claim 24

Dependent from allowable claim 21.

Claim 25

Dependent from allowable claim 1.

In addition, the training members are resilient and have a looped configuration and are attached to the platform at intermediate positions in the looped configuration and at the opposite lateral ends of the platform and are disposed on the support surface at their opposite end.

9. Claims 16-20 and 27-31 have been rejected under 35 USC 103(a) as being unpatentable over White in view of Dimitriadis. Claims 16-20 are allowable over the combination of White and Dimitriadis for certain important reasons. These include the following:

Claim 16

The pogo stick includes a platform extending in a lateral direction for supporting the user in a standing position on the platform. Training members are coupled to the opposite lateral ends of the platform to enhance the stability of the pogo stick on the support surface when the pogo stick is actuated. The actuator and the training members are disposed relative to one another to

provide for the operation of the pogo stick when the training members are removed from the platform.

Claim 17

Dependent from allowable claim 16.

Claim 18

Dependent from allowable claim 16.

Claim 19

Dependent from allowable claim 16.

A pair of training members are provided each coupled to the platform at an opposite lateral end of the platform from the other.

Claim 20

Dependent from allowable claim 16.

Claim 27

The pogo stick includes a platform extending in a lateral direction for receiving the feet of a user. Training members are attached to the opposite lateral ends of the platform to provide stability to the pogo stick when, upon actuation of the pogo stick from the support surface, the pogo stick returns to the support surface. The training members and the actuator are disposed on the support surface to provide for the operation of the pogo stick when the training members are removed from the platform.

Claim 28

Dependent from allowable claim 27.

Claim 29

Dependent from allowable claim 27.

The pogo stick is operable when the training members are removed from the platform.

Claim 30

Dependent from allowable claim 27.

Claim 31

Dependent from allowable claim 27.

10. Claims 32-44 have been added by this amendment. These claims are allowable over White, Wirges and Dimitriadis for certain important reasons whether the references are used individually or in combination. One reason is that all of the claims 32-43 are dependent from allowable claims. Claims 32-44 are also allowable over the references, individually or in combination for the following additional reasons.

Claim 32

The bellows is coupled to the actuator.

Claim 33

The bellows is coupled to the actuator at positions along the actuator above the platform.

Claim 34

The training members are removably coupled to the platform and extend from the platform to the support surface.

Claim 36

The bellows is coupled to the actuator.

Claim 37

The bellows is coupled to the actuator at progressive positions along the actuator above the pedestal.

Claim 38

The platform has a lateral disposition and the training members are attached to the platform at the opposite lateral ends of the platform.

Claim 39

Dependent from allowable claim 38.

Claim 40

A bellows is operatively coupled to the constraining means and is constrainable in accordance with the constraint of the constrainable means.

Claim 41

The bellows is coupled to the actuator at progressive positions along the actuator.

Claim 42

Combines the recitations of claims 41 and 42.

Claim 43

An actuator extends through the constrainable bellows and the constrainable spring to the support surface. The constrainable bellows is coupled to the actuator at progressive positions along the actuator and the constrainable spring is disposed on the actuator.

Claim 44

The bellows is coupled to the actuator at progressive positions along the actuator.

11. In order for different prior art references to be combined to reject a claim, the references have to disclose or suggest the combination recited in the claims. ACS Hospitality Systems, Inc. v. Montefiore Hospital, 732 F.2d 1572, 221 USPQ 929 (Fed.Cir. 1984). As the Federal Circuit indicated in the ACS case at 732 F2d. 1577, 1579, 221 USPQ 929, 933:

> "Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention absent some teaching or suggestion supporting the combination. Under Section 103, teaching of references can be combined only if there is some suggestion or incentive to do so."

Neither Write nor Wirges nor Distriadis cited by the Examiner to reject the claims in this application discloses or suggests certain of the features recited in the claims. These have been discussed in detail above. The references cannot accordingly be combined to reject the claims.

12. Attached hereto is a marked-up version of the changes made to claims 1-31, and the addition of new claims by this Amendment. The attached pages are captioned "VERSION WITH MARKINGS TO SHOW CHANGES MADE."

13. In light of the above amendments and remarks, applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Please charge any additional fee or credit any over-payment to our Deposit Account No. 06-2425.

Respectfully submitted,

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE SPECIFICATION

Page 6, lines 6-13:

Figures 1-4 show a pogo stick, generally indicated at 10, constituting a preferred embodiment of the invention. The pogo stick 10 includes a bellows 12 defined by a series of scalloped portions 14. The bellows 12 is constrainable upon the exertion of a force in the vertical direction on the bellows. A handle generally indicated at 16 and having a pair of oppositely extending handle bars 18 is disposed at the upper end of the bellows 12. An ornamental area 19 may be provided between the handle 16 and the bellows 12 to receive[r] a decoration for enhancing the aesthetic effect of the pogo stick 10 to a child. A pedestal or foot rest 20 is disposed at the lower end of the bellows 12.

Page 6, line 14 – Page 7, line 5:

A scaffold 22 is disposed within the bellows. The scaffold 22 is coupled to the bellows 12 by rigidifiers 24 at alternate ones of the scallops 14. The scaffold 22 extends to the lower surface of the platform 20 as indicated at 26. A spring 28, preferably helical, is confined between sleeves 30 and 32 which are disposed respectively at the upper and lower ends of the scaffold. An actuator 34 extends through the helical turns of the spring 28 to a position below the platform 20. The actuator 34 is coupled to the scaffold 22, thereby providing a coupling to the bellows 12. A cap 36 preferably made from a suitable material such as rubber is disposed on the actuator 34 at the bottom of the actuator.

Page 7, lines 6-13:

Training members generally indicated at 38 and made from a resilient material such as steel are suitably attached to the bottom of the platform 20. The training members 38 may be in

the form of resilient rods. The attachment of the training members 38 to the platform is provided [40] by flanges 40 in Figure 3, and by screws 41 in Figure 4b, at an intermediate position along the length of the training members. The attachment is such as to provide for the removal of the training members 38 from the platform when the child using the pogo stick has learned how to operate the pogo stick 10 properly.

Page 7, line 4 – Page 8, line 3:

The training members 38 are disposed to extend in the same direction as the direction in which the child is facing when the child is standing on the platform 20. The training members 38 are provided with a roll-up configuration [42] 42 at their opposite ends so that the child cannot be injured by sharp projections on the training members and so that the disposition of the training members 42 on a support surface 44 is stabilized. The roll-up configurations 42 also prevent the training members 38 from scratching the support surface 44.

IN THE CLAIMS

1. (amended) In combination for use in a pogo stick operable on a support surface,

a collapsible bellows,

a spring disposed in the bellows and coupled to the bellows for constraint in accordance with the [collapse of] constraint in the bellows,

a handle disposed at the top of the bellows for grasping by the hands of pogo stick user,

an actuator having upper and lower ends and disposed at its upper end within the spring in the bellows and extending at its lower end below the bellows and below the spring to the support surface, and

a platform coupled to the spring at the bottom of the spring at a position above the support surface for movement with the spring between the constrained and the unconstrained relationships.

3. (amended) In a combination as set forth in claim [2] 1 wherein

the platform is disposed in a lateral direction and wherein

the training members constitute a pair, each of the training members being attached to the platform on an opposite lateral [side] end from the attachment of the other of the training member to the platform.

4. (amended) In a combination as set forth in claim 3 wherein

each of the training members is attached to the platform at an intermediate position on the training member and wherein

the opposite ends of each training member extend to the support surface at spaced positions on the support surface.

6. (amended) In combination for use in a pogo stick operable on a support surface,

a platform for receiving the feet of a user in a standing relationship,

an actuator extending above and below the platform to the support surface,

a bellows extending from an intermediate position of the actuator to the top of the actuator and normally unconstrained and manually movable by the user into a constrained relationship,

a handle extending from the top of the [bellows] actuator, and

a spring enclosed within the bellows and operatively coupled to the bellows at a position above the platform to become constrained in accordance with the constraint of the bellows.

8. (amended) In a combination as set forth in claim 6 wherein

the bellows is formed from a plurality of scalloped portions each displaced in a vertical direction from the others and wherein

the spring is helical and wherein

the scalloped portions of the bellows and the spring are coaxial and wherein

the scalloped portions of the bellows are coupled to the actuator

[the bellows and the spring are coupled to each other to provide a constraint of the spring when the bellows is constrained].

9. (amended) In a combination as set forth in claim 6[, including] wherein

training members are attached to the platform for providing stability to the pogo stick when the pogo stick is actuated from one position on [a] the support surface to another position on the support surface.

10. (amended) In a combination as set forth in claim 7 wherein

the bellows is formed from a plurality of scalloped portions each displaced in a vertical direction from the other[s] sealed portions and wherein

the spring is helical and wherein

the scalloped portions and the spring are coaxial and wherein

the bellows and the spring are coupled to each other to provide a constraint of the spring when the bellows is constrained and wherein

training members are attached to the platform for providing stability to the pogo stick when the pogo stick is actuated from one position on [a] the support surface to another position on the support surface.

11. (amended) A pogo stick operable on a support surface , including

a platform extending in a lateral direction for supporting the feet of a user with the user in a standing position on the platform the actuator being movable to the support surface,

an actuator extending through the platform from a position below the platform to a position above the platform to a position above the platform the actuator being movable to the support surface,

constrainable means operatively coupled to the actuator for providing for a movement of the platform and a movement of the actuator to the support surface when the constrainable means are constrained and the constraint is released,

handle bars attached to the constrainable means at the upper end of the constrainable means for gripping by the user, and

training members extending from the opposite lateral ends of the platform for enhancing the stability of the pogo stick on [a] the support surface when the pogo stick is actuated.

12. (amended) A pogo stick as set forth in claim 11 wherein

the training members are removable from the platform when the user has become skilled in operating the pogo stick and wherein

the platform, the actuator, the constrainable means and the handle bars operate the pogo stick when the training members are removed from the platform.

14. (amended) A pogo stick as set forth in clam 11 wherein

the training members have opposite ends disposed on [a] the support surface to enhance the stability of the pogo stick on the support surface and wherein the training members are disposed in a direction substantially perpendicular to a line between the feet of the user on the platform and wherein the training members constitute a pair separated from each other in a direction corresponding to the distance between the feet of the user on the platform.

16. (amended) In combination for disposition and operation on a support surface,

a pogo stick actuatable by a user to produce hopping movements of the user and the pogo stick [along a] on support surface,

the pogo stick including a platform extending in a lateral direction for supporting the user in a standing position on the platform, [and]

an actuator extending down in through the platform for disposition on the support surface, and

the actuator and the training members being disposed relative to one another to provide for the operation of the pogo stick when the training members are removed from the platform

training members coupled to the platform to enhance the stability of the pogo stick on the support surface when the pogo stick is actuated.

18. (amended) In a combination as set forth in claim 17 wherein

the training members have opposite ends disposed on the support surface in a direction corresponding to the direction in which the user is facing and wherein

the training members are attached at an intermediate position to the platform at the opposite lateral ends of the platform.

19. (amended) In a combination as set forth in claim 16 wherein

a pair of training members are provided each coupled to the platform at an opposite [side] lateral end of the platform from the other and wherein

the training members are removable from the platform.

20. (amended) In a combination as set forth in claim 17 wherein

the training members have opposite ends disposed on the support surface and wherein

the training members are removably attached at an intermediate position to the opposite lateral ends of the platform and wherein

[a pair of training members are provided each coupled to the platform at an opposite side of the platform from the other and wherein]

the training members [are removable from the platform and wherein the training members] are made from a resilient material.

21. (amended) In combination for operation on a support surface,

a pogo stick actuatable by a user to produce hopping movements of the user and the pogo stick along a support surface,

the pogo stick including a constrainable bellows and a constrainable spring coupled to the bellows to become constrained in accordance with the constraint of the bellows,

the pogo stick also including a platform having a lateral disposition for supporting the feet of a user, and

training members attached to the platform at the opposite lateral ends of the platform to provide stability to the pogo stick when, upon actuation of the pogo stick from [a] the support surface, the pogo stick returns to the support surface.

22. (amended) In a combination as set forth in claim 21,

the training members constituting a pair, both extending in the direction in which the user is facing with the user's feet on the platform and one disposed [on] at one [side] lateral end of the platform and the other disposed [on] at the other [side] lateral end of the platform.

23. (amended) In a combination as set forth in claim 21 wherein

the training members are resilient and have a looped configuration and are attached to the platform at intermediate positions in the looped configuration and are disposed on [a] the support surface at their opposite ends.

24. (amended) In a combination as set forth in claim 21 wherein

each of the training members is disposed at its opposite ends to flex outwardly when the pogo stick is actuated to provide a hopping movement.

25. (amended) In a combination as set forth in claim 22 wherein

the training members are resilient and have a looped configuration and are attached to the platform at intermediate positions in the looped configuration and at the opposite lateral ends of the platform and are disposed on [a] the support surface at their opposite ends and wherein

each of the training members is disposed at its opposite ends to flex outwardly when the pogo stick is actuated to provide a hopping movement.

26. (amended) In a combination as set forth in claim 25 wherein

each of the training members extends outwardly at its opposite ends in the distance between the platform and the support surface and wherein the outward direction of each member at its opposite ~~ends~~ is enhanced by a flattening of the support member when the pogo stick is actuated to provide a hopping movement of the pogo stick.

27. (amended) In combination for operation on a support surface,

a pogo stick actuatable by a user to produce hopping movements of the user and the pogo stick along a support surface,

the pogo stick also including a handle for manual gripping by the hands of the user,

the pogo stick also including a platform extending in a lateral direction for receiving the feet of the user,

the pogo stick also including an actuator extending from the handle through the platform to the support surface,

the pogo stick also including a spring disposed between the handle and the platform for constraint in a direction corresponding to the direction between the handle and the platform, and

training members attached to the opposite lateral ends of the platform to provide stability to the pogo stick when, upon actuation of the pogo stick from [a] the support surface, the pogo stick returns to the support surface,

the training members and the actuator being disposed on the support surface to provide for the operation of the pogo stick when the training members are removed from the platform.

28. (amended) In a combination as set forth in claim 27,

the training members constituting resilient [rods] members attached to the bottom of the platform at an intermediate position along the length of the [rods] resilient members and extending to the support surface at their opposite ends.

29. (amended) In a combination as set forth in claim 28 wherein

the training members are resiliently and removably attached to the opposite lateral ends of the platform and are disposed in the direction in which the user is facing when the user is disposed on the platform and wherein

the pogo stick is operable when the training members are removed from the platform .

30. (amended) In a combination as set forth in claim 27 wherein

the training members and the actuator are constructed and disposed relative to the platform to become constrained when the pogo stick, upon actuation, returns to the support surface.

32. (new) In a combination as set forth in claim 1 wherein

the bellows is coupled to the actuator.

33. (new) In a combination as set forth in claim 5 wherein

the bellows is coupled to the actuator at progressive positions along the actuator above the platform.

34. (new) In a combination as set forth in claim 2 wherein

the training members are removably coupled to the platform and extend from the platform to the support surface.

35. (new) In a combination as set forth in claim 34 wherein

the training members are removably and resiliently coupled to the platform and extend from the platform to a position corresponding to the bottom of the actuator.

36. (new) In a combination as set forth in claim 6 wherein

the bellows is coupled to the actuator.

37. (new) In a combination as set forth in claim 10 wherein

the bellows is coupled to the actuator at progressive positions along the actuator above the pedestal.

38. (new) In a combination as set forth in claim 6 wherein

the platform has a lateral disposition and the training members are attached to the platform at the opposite lateral ends of the platform at a position below the bottom of the platform.

39. (new) In a combination as set forth in claim 38 wherein

the training members are removably and resiliently coupled to the platform.

40. (new) A pogo stick as set forth in claim 11, including:

a bellows operatively coupled to the constrainable means and constrainable in accordance with the constraint of the constrainable means.

41. (new) A pogo stick as set forth in claim 40 wherein

the bellows is coupled to the actuator at progressive positions along the actuator.

42. (new) A pogo stick as set forth in claim 15 wherein

a bellows is operatively coupled to the constrainable means and is constrainable in accordance with the constraint of the constrainable means and wherein

the bellows is coupled to the actuator at progressive positions along the actuator.

43. (new) In a combination as set forth in claim 21 wherein,

an actuator extends through the constrainable bellows and the constrainable spring to the support surface and wherein

the constrainable bellows is coupled to the actuator at progressive positions along the actuator and the constrainable spring is disposed on the actuator.

44. (new) In a combination as set forth in claim 26 wherein

the bellows is coupled to the actuator at progressive positions along the actuator.